

7 FAM 1300 APPENDIX U PASSPORT-RELATED SERVICES FOR PROTECTED POWERS

(CT:CON-449; 03-25-2013)

(Office of Origin: CA/OCS/L)

7 FAM 1310 APPENDIX U INTRODUCTION

(CT:CON-276; 01-05-2009)

- a. 7 FAM 1000 provides guidance about Protection of Foreign Interests and Third Country Protecting Powers representing the United States.
- b. One aspect of U.S. protection of foreign interests relates to facilitating the citizenship documentation of foreign nationals from countries for which the United States performs the protecting power function.
- c. At the present time, the United States facilitates such citizenship documentation for the Freely Associated States (FAS) pursuant to the Compact of Free Association that terminated the former Trust Territories of the Pacific Islands. Those Freely Associated States include:
 - (1) The Federated States of Micronesia (FSM);
 - (2) The Republic of the Marshall Islands (RMI); and
 - (3) The Republic of Palau (ROP).
- d. Unlike the Commonwealth of the Northern Mariana Islands, the fourth component of the former trust territories, denizens of the Freely Associated States have no "jus soli" claim to U.S. citizenship by virtue of their place of birth. 7 FAM 1126 provides guidance about claims to U.S. citizenship by persons from the Commonwealth of the Northern Mariana Islands. Persons born in the FSM, RMI and ROP are citizens of those independent countries, respectively.
- e. The Marshall Islands became the Republic of the Marshall Islands, a sovereign country in free association with the United States, on October 21, 1986. The Federated States of Micronesia became a sovereign country in free association with the United States on November 4, 1986. The Republic of Palau became a sovereign country in free association with the United States on October 1, 1994.
- f. The Department of State circular diplomatic note of September 2, 1987 to the chiefs of mission in Washington DC advised that "the Republic of the Marshall Islands and the Federated States of Micronesia have requested that the United

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States inform their excellencies that citizens of those countries will bear passports issued under the authority of the Government of the Republic of the Marshall Islands and the Government of the Federated States of Micronesia, respectively.” Facsimiles of the diplomatic, official and regular passports of the RMI and FSM were annexed to the circular diplomatic note. When the Republic of Palau became independent, the Department of State provided a similar notification to the chiefs of missions in Washington, DC. The Department notified the chiefs of mission of the change of status of the RMI and FSM in a separate circular diplomatic note dated December 19, 1986 which also informed their excellencies of the request of the FSM and RMI that pursuant to Article 126 of the Compact, the United States provide emergency consular assistance to FAS citizens abroad in countries where there is no FAS diplomatic or consular presence. This request also applied to the ROP when it became independent.

- g. U.S. consular officers abroad are required by Section 126 of the Compact of Free Association to facilitate FSM, RMI or ROP passport documentation for citizens of those countries who find themselves without a valid passport in a foreign country where the FSM, RMI or ROP do not have diplomatic representation. This does not mean that U.S. consular officers issue passports to these individuals.

7 FAM 1320 APPENDIX U APPLICATION FOR FAS PASSPORT ASSISTANCE

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- a. There is no formal application form for FSM, RMI or ROP passports utilized by U.S. embassies and consulates abroad.
- b. If a citizen of the FSM, RMI or ROP appears before a U.S. consular officer in a third country where there is no FAS diplomatic or consular representation requesting assistance in communicating with one of the FAS governments to apply for an FSM, RMI or ROP passport, the consular officer at the U.S. embassy or consulate should take the following actions:
 - (1) Prepare a memo addressed: To the Appropriate Passport Issuing Authority in (Federated States of Micronesia; Republic of the Marshall Islands; Republic of Palau);
 - (2) Subject: Report of Application/Renewal/Extension of FAS Passport
 - (3) Name of Applicant;
 - (4) Date and place of birth of applicant;
 - (5) FAS passport number, date and place of issuance and date of expiration; and
 - (6) Direct the applicant to the following Freely Associated States (FAS) passport web page for information about how to apply for an FAS passport

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service, including current fees:

FAS Passport Information:

Federated States of Micronesia - Instructions for FSM Passport Application
Republic of the Marshall Islands - Instructions for Completing RMI Passport Application
Republic of Palau - Palau Passport Requirements;
Palau passport application

7 FAM 1330 APPENDIX U TRANSMITTING REQUESTS TO FAS STATES

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- a. Federated States of Micronesia: The FSM office to which the U.S. consular officer should send the report of application/renewal/extension is:

Chief, Division of Immigration
FSM Department of Justice
P.O. Box PS 105
Palikir, Pohnpei FM 96941

Federated States of Micronesia

NOTE: Use this address as written. The FSM still uses the old U.S. zip code 96941. There are no certified, registered or insured services associated with this zip code. U.S. Postal Service express mail is still accepted and is the only method to ensure receipt of accountability of mail. The U.S. Embassy Kolonia recommends using DHL or Federal Express, as it is faster and provides receipt accountability.

- b. Republic of the Marshall Islands: The RMI office to which the U.S. consular officer should send the report of application/renewal/extension is:

The Ministry of Foreign Affairs
P.O. Box 2
Majuro, MH 96960

- c. Republic of Palau: The ROP office to which U.S. consular officers should send the report of application/renewal/extension/amendment is:

Ministry of State
P.O. Box 6031
Republic of Palau
Koror, Palau 96940

7 FAM 1340 APPENDIX U COORDINATION BY U.S. EMBASSIES IN THE FREELY ASSOCIATED STATES WITH HOST COUNTRY PASSPORT ISSUING AUTHORITIES

(CT:CON-276; 01-05-2009)

- a. Questions about applications for FAS passport services received by U.S. consular officers in third country where there is no FAS diplomatic or consular representation may be directed to the U.S. consular sections at the U.S. embassies in Kolonia, FSM; Majuro, RMI or Koror, ROP.
- b. The consular sections at the U.S. embassies in Kolonia, Majuro or Koror will coordinate with appropriate FAS authorities and relay responses to the respective U.S. embassies outside the FAS countries.
- c. Posts should include the following information when relaying questions about FAS passport services to the U.S. embassies in Kolonia, Majuro or Koror:

Name of applicant
Date of birth
Place of birth
FAS passport number, date and place of issuance, date of expiration
FAS passport service requested

7 FAM 1350 APPENDIX U EMERGENCY TRAVEL OF FAS CITIZENS

(CT:CON-276; 01-05-2009)

- a. U.S. embassies and consulates abroad do not have authority to issue emergency FAS passports to citizens of the FSM, RMI or ROP.
- b. In a critical emergency, such as a medical evacuation, if:
 - (1) There is no FAS representation in a foreign country, and
 - (2) It is not possible for the FAS country in question to issue a passport expeditiously to its national, and
 - (3) The appropriate authorities of the respective FAS country verify the citizenship and identity of an individual the U.S. embassy or consulate may issue that individual a travel letter with a photograph attached.
- c. This is no guarantee, however, as to whether an airline will board the individual or that the country of destination will permit the person to enter.

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- d. The post should coordinate closely with the U.S. embassy in the FAS country, the U.S. embassy in the country of destination, and CA/OCS/ACS.

7 FAM 1360 APPENDIX U RIGHTS OF FAS CITIZENS IN THE UNITED STATES

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- a. Citizens of the Freely Associated States (FAS) of FSM, RMI and ROP (but not alien spouses or children) have unrestricted access to the United States to live, work, study and assume "habitual residence" with no U.S. visa requirement without regard to paragraphs (5), (7(a)) and (7(b)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).
- b. In accordance with section 141(a)(3) of the Compact of Free Association, the U.S. Immigration benefits of section 141(a) of the Compact shall apply to naturalized citizens of the Freely Associated States or FSM, RMI and ROP who have been actual residents there for not less than five years after attaining such naturalization and who hold a certificate of actual residence. Naturalized citizens of the FAS who lack the requisite five years actual residence must apply for a U.S. visa to enter the United States and must meet the requirements for any other alien, both for immigrant and non-immigrant purposes. Individuals obtaining FSM, RMI, ROP citizenship by naturalization through investment or purchase of that citizenship do not acquire the U.S. immigration benefits of the Compact.

Fact Sheets – U.S. Citizenship and Immigration Service ... Status of Citizens of the Federated States of Micronesia and the Republic of the Marshall Islands – February 11, 2005 Status of Citizens of the Republic of Palau – June 21, 2007

- c. Questions about eligibility of citizens of the FSM, RMI or ROP to obtain U.S. Social Security Numbers or benefits should be addressed to CA/OCS/L (*Ask-OCS-L@state.gov*) for referral to the Social Security Administration.

7 FAM 1370 APPENDIX U THROUGH 1390 APPENDIX U UNASSIGNED